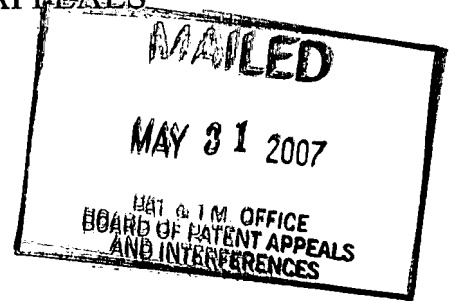


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHEL SAYAG

Application No. 10/789,547



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 2, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On June 8, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page 4, heading (8), the examiner relied on the following references:

Alvarez

5,221,842

6-1993

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Dewaele	5,757,021	5-1998
Karellas	5,864,146	1-1999
Budinski et al	5,912,944	6-1999
Floresta et al	6,239,516	5-2001
Mueller et al	6,373,074	4-2002

Muller et al	WO 99/28765 A1	6-1999
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Cassettes for medical X-ray diagnosis – Radiographic cassettes and mammographic cassettes, 3rd Edition (1997-02) of IEC 60406, (1997), pp. 137.

A review of the file reveals that Appellants' admitted prior art was used in the application of claim 22, as stated in the Grounds of Rejection, paragraph (9) of the examiner's answer. The Manual of Patent Examining Procedure, in § 1207.02 states:

(8) ***Evidence Relied Upon.*** A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Before further review, the examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of all references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) § 1207.02. Appropriate correction is required.


Accordingly, it is

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ORDERED that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, heading (8) of the Examiner's Answer;
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/dal

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